

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

THURSDAY, THE 1ST NOVEMBER 2007 / 10TH KARTHIKA 1929

WP(C).No. 32539 of 2007(W)

PETITIONER:

**SUNNY JOSE,
KANNEZHATH HOUSE (KAPPATTUMALA HOUSE)
SHANTHINAGAR P.O., KOZHIKODE DISTRICT**

**BY ADV. SRI.V.G.ARUN
SRI.T.R.HARIKUMAR**

RESPONDENTS:

- 1. THE RETURNING OFFICER
UNIT INSPECTOR, OFFICE OF
THE ASSISTANT REGISTRAR OF CO-OPERATIVE
SOCIETIES (GENERAL), FEROKE, KOZHIKODE**
- 2. THE ELECTORAL OFFICER/ASSISTANT REGISTRAR
OF CO-OPERATIVE SOCIETIES (GENERAL)
KOZHIKODE CIRCLE**
- 3. THE CO-OPERATIVE ELECTION COMMISSION
TRIVANDRUM, REP. BY ITS SECRETARY**
- 4. THE KODENCHERY SERVICE CO-OP. BANK LTD
NO.F.1762, P.O. KODANCHERY
REP. BY ITS SECRETARY**

**BY GOVT. PLEADER SMT.ANU SIVARAMAN FOR R1 TO R3
ADV.SRI.P.P.JACOB FOR R4**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 01/11/2007 , THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

K. M. JOSEPH, J.

W.P.C. NO. 32539 OF 2007

Dated this the 1st day of November, 2007

JUDGMENT

Petitioner is a member of the 4th respondent society. The election to the Board of Directors of the 4th respondent bank is scheduled to be held on 03/11/2007. Petitioner is a candidate in the said election. According to the petitioner, right from the time when the 4th respondent was formed, it has been governed by a Board of Directors owing allegiance to the U.D.F. There is also reference to attempts to disrupt the polling and to cast bogus votes at the instance of the C.P.I.M. in the previous elections. The election is now fixed to be held in two places, one at Kodanchery and another at Nellipoyil. Rule 35(A)(6)(n) deals with the arrangement made in the polling station. Sub rule ix provides inter alia that no ballot paper shall be issued to a member unless he produces his identity card and the polling officer is satisfied that the member concerned is the same person as noted in the voters list furnished to him. Petitioner would contend that to ensure that, identity cards of every voter should be verified with Form 6(B) register before the voter is allowed to enter

the venue of the election. Petitioner contends that this request is made since there is no boundary wall for both the schools fixed as the venue of election. It is also stated that attempts to prevent actual members from casting the votes by forming serpentine queues at the election venue from the early hours should also be prevented by directing the polling officials to permit the entry into the election venues only to a specified number of voters at a time. There is also a request for appointment of an impartial observer.

2. I heard learned counsel for the fourth respondent Sri.P.P.Jacob and also the learned Government Pleader.

3. In the light of the apprehensions voiced by the petitioner, the writ petition is disposed of as follows:

There will be a direction to respondents 1 and 2 to comply with Rule 35(A)(6)(n) in the matter of issuance of ballot papers. If the election agents of the candidates challenge the identity of any of the persons, respondents 1 and 2 can issue the ballot paper only upon the polling officer being satisfied with reference to form 6(B) register that he is a person who is entitled to vote under the Rules. Learned counsel for the fourth respondent submits that fourth respondent will make available the photocopies of Form 6(B)

register for use in all the polling booths. Respondents 1 and 2 will act in accordance with the Rules in the matter of conduct of the election. In regard to the prayer for appointment of an Advocate Commissioner, in view of the fact that petitioner has approached this court virtually on the eve of the election, I do not think that I need consider that plea in this case.

K. M. JOSEPH, JUDGE

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